

**AN ORDINANCE BY  
COMMITTEE ON COUNCIL**

**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE XVI, DIVISION 1, SECTION 2-1852 (ENTITLED, "PROCEDURES FOR APPOINTMENTS OF COUNCILMEMBER TO A BOARD, COMMISSION OR AUTHORITY.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO ESTABLISH A PROCEDURE FOR APPOINTMENTS OF PERSONS, BY INDIVIDUAL MEMBERS OF COUNCIL, TO BOARDS, COMMISSIONS OR AUTHORITIES; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the committee on council held work sessions and meetings to review the Code of Ordinances, City of Atlanta, Georgia (hereinafter, "City Code") to suggest and effectuate amendments thereto; and

**WHEREAS**, Chapter 2, Article XVI, Division 1, Section 2-1852 (hereinafter "Section 2-1852") outlines the procedure required whenever a member of council is to be appointed, by the council, to a board, commission or authority; and

**WHEREAS**, there are instances when the council has the exclusive authority to appoint individual members of the public to fill vacancies on boards, commissions, or authorities; and

**WHEREAS**, there may be occurrences when multiple persons are nominated by individual members of council for only one vacancy on said board, commission, or authority; and

**WHEREAS**, it is the intent of council that there be an established procedure for determining the name of such appointee for said board, commission, or authority, as agreed upon collectively by the members of council.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY  
ORDAINS AS FOLLOWS:**

**Section 1:** Chapter 2, Article XVI, Division 1, Section 2-1852, which reads:

Sec. 2-1852. Procedures for appointments of councilmember to a board, commission or authority.

Whenever it is required that a member of the council shall be appointed by the council to a board, commission or authority, the following procedures shall be used:

(1) *Nomination.*

a. Written notification of the vacancy shall be received from the president by the committee on the council.

- b. Upon receipt of written notification of the vacancy the committee on the council shall, by resolution, submit the names of all councilmembers to the full council.
- c. An individual councilmember may request, either in writing or orally at a meeting of the council, that such councilmember's name be withdrawn from consideration.
- d. Councilmembers whose names have been referred to the committee on council shall submit a letter to the committee on council confirming their willingness and availability to serve, as well as any other pertinent information. Such information shall be forwarded to all members of the council for the vote.

(2) *Voting procedures.*

- a. *One vacancy.* When only one vacancy exists and the name of only one councilmember has been placed in nomination, the vote shall be taken electronically. If there is more than one nomination for such vacancy, the municipal clerk shall issue, to the councilmembers, a paper ballot on which all nominees' names are printed. Councilmembers shall circle the names of the nominees of their choice, sign the ballots and return them to the municipal clerk. The municipal clerk shall then tally, or cause the ballots to be tallied, and announce the results. Such ballots shall become a part of the official record.
- b. *Multiple vacancies.* When more than one vacancy exists, the municipal clerk shall issue, to all councilmembers, one ballot for each existing vacancy. Councilmembers shall circle the names of their choices on each ballot (one per ballot), sign the ballots and return them to the municipal clerk. The clerk shall tabulate, or cause the ballots to be tabulated, and announce the vote.

be hereby amended to read as follows:

Sec. 2-1852. Procedures for appointments to a board, commission or authority.

A. Whenever it is required that a member of the council shall be appointed by the council to a board, commission or authority, the following procedures shall be used:

(1) *Nomination.*

- a. Written notification of the vacancy shall be submitted to the president of city council and the chair of the committee on council.
- b. Upon receipt of written notification of the vacancy, the chair of the committee on council shall establish a deadline for the submission of interested councilmembers' nominations for said vacancy and notify all members of council of said deadline and vacancy or vacancies.
- c. An individual councilmember may nominate himself, herself, or another councilmember as a nominee for the vacancy by submitting a letter to the committee on council, by the established deadline, confirming the councilmembers' willingness and availability to serve, as well as any other pertinent information. Such information shall be forwarded to all members of the council for the vote.

(2) *Voting procedures.*

I. *One vacancy.*

- a. When only one vacancy exists and the name of only one councilmember has been placed in nomination, the councilmember shall be submitted for appointment to the vacancy.
- b. A resolution to this effect shall confirm the nominee as the appointee.

II. *One vacancy, multiple nominees.*

- a. If there is more than one nomination for such vacancy, the municipal clerk shall issue, to the councilmembers, a paper ballot on which all nominees' names are printed.
- b. Councilmembers shall circle the names of the nominees of their choice, sign the ballots and return it to the municipal clerk. Such ballots shall become a part of the official record.
- c. The municipal clerk shall then tally, or cause the ballots to be tallied, and announce the results. The councilmember receiving the highest number of votes shall be submitted for appointment to the vacancy.
- d. A resolution to this effect shall confirm the nominee as the appointee.

III. *Multiple vacancies.*

- a. When more than one vacancy exists, the municipal clerk shall issue, to all councilmembers, one ballot for each existing vacancy.
- b. Councilmembers shall circle the names of their choices on each ballot (one per ballot), sign the ballots and return them to the municipal clerk. Such ballots shall become a part of the official record.
- c. The clerk shall tabulate, or cause the ballots to be tabulated, and announce the results. The councilmember receiving the highest number of votes shall be submitted for appointment to the vacancy.
- d. A resolution to this effect shall confirm the nominee as the appointee.

B. Upon it becoming necessary to appoint, by majority vote, a member of the public to fill a vacancy on any board, commission, or authority, for which the governing body has exclusive authority of appointment, the following procedures shall be used:

(1) *Nomination.*

- a. Written notification of the vacancy shall be submitted to the president of city council and the chair of the committee on council.
- b. The chair of the committee on council shall notify all members of council of said vacancy or vacancies, as well as, establish a deadline by which members of council must submit the names of qualified nominees.
- c. Upon notification, if they are so inclined, members of council and the president of council, may submit the names of qualified persons to fill the vacancy to the chair of the committee on council. Submission of the names of qualified individuals must be in written form and must be received by the established deadline.

- d. Upon such submission, the committee on council shall review, comment, and report on the qualifications of such nominee or nominees. Any nominee not possessing the legally required qualifications, as determined by the committee on council, will be automatically disqualified.
- e. Upon completion of its report on the qualifications of such nominee or nominees, the committee on council shall submit a ballot of names of all qualifying nominees to the full council, with no further nominations being allowed from the floor.

(2) *Forming a consensus.*

I. *One vacancy, one qualified nominee.*

- a. When only one vacancy exists and the name of only one qualified individual has been placed in nomination, the nominee shall be submitted for appointment to the vacancy.
- b. A resolution to this effect shall be drafted and submitted to the committee of purview and the committee on council.

II. *One vacancy, multiple qualified nominees.*

- a. If there is more than one nomination for only one vacancy, the municipal clerk shall issue to the councilmembers a paper ballot on which all nominees' names are printed.
- b. Each councilmember shall circle the name of the nominee of his/her choice, sign the ballot, and return it to the municipal clerk.
- c. The municipal clerk shall then tally, or cause the ballots to be tallied, and announce the results. Such ballots shall become a part of the official record.
- d. The nominee receiving a majority vote shall be submitted for appointment to the vacancy.
- e. A resolution to this effect shall be drafted and submitted to the committee of purview and the committee on council.

III. *One vacancy, tie amongst multiple qualified individuals.*

- a. In the event that one person does not receive a majority vote or there is a tie amongst two (2) or more nominees who receive the highest identical number of votes, then a second ballot shall be issued. This ballot process shall be continued until such time as one person receives a majority vote or an unbreakable tie occurs.
- b. The subsequent ballots shall be comprised of the two or more highest vote recipients.
- c. The nominee receiving a majority vote shall be submitted for appointment to the vacancy.
- d. A resolution to this effect shall be drafted and submitted to the committee of purview and the committee on council.

IV. *Unbreakable tie.*

- a. Should there be a second tie amongst those nominees receiving the highest identical number of votes, a resolution, saving a blank for the insertion of the name of a single nominee, along with an attachment, which includes the names and resume/qualifications of only those individuals involved in the unbreakable tie, shall be submitted to the committee of purview.

- b. Upon receipt of said resolution, the committee of purview shall hear from the individuals and make a recommendation as to a single appointee, as evidenced by the insertion of the individual's name into the resolution.
- c. The committee of purview shall forward the resolution to full council for an official vote.
- d. In the event that the official vote results in a tie, it shall be resolved upon the vote of the president of council, as outlined in Section 2-36 (d) of the Code of Ordinances.

(3) *Multiple vacancies.*

- a. When more than one vacancy exists, the municipal clerk shall issue, to all councilmembers, one ballot for each existing vacancy.
- b. Councilmembers shall circle the names of their choices on each ballot (one per ballot), sign the ballots, and return them to the municipal clerk.
- c. The clerk shall tabulate, or cause the ballots to be tabulated, and announce the vote. Such ballots shall become a part of the official record.
- d. The two (2) nominees receiving the highest number of votes shall be submitted for appointment to the vacancies.
- e. Resolution to this effect shall be drafted and submitted to the committee of purview and the committee on council.

RCS# 427  
7/17/06  
3:25 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE                    06-O-1595 06-O-1596 06-O-1597 06-O-1598  
   FIRST READS  
   REFER

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 423  
7/17/06  
3:20 PM

Atlanta City Council

COMMITTEE OF THE WHOLE

PROCEDURAL

RETURN TO REGULAR SESSION

APPROVE

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	Y Willis
B Winslow	Y Muller	Y Sheperd	NV Borders

PROCEDURAL

RCS# 422  
7/17/06  
3:19 PM

Atlanta City Council

COMMITTEE OF THE WHOLE

MULTIPLE            06-O-1595 06-O-1596 06-O-1597 06-O-1598  
                              FIRST READS  
                              APPROVE

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	Y Willis
B Winslow	Y Muller	NV Sheperd	NV Borders

MULTIPLE



RCS# 418  
7/17/06  
3:07 PM

Atlanta City Council

COMMITTEE OF THE WHOLE

PROCEDURAL COMMITTEE ON COUNCIL AGENDA AND ADDENDUM

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	NV Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Sheperd	NV Borders

PROCEDURAL

RCS# 416  
7/17/06  
3:04 PM

Atlanta City Council

REGULAR SESSION

PROCEDURAL

ENTER COMMITTEE OF THE WHOLE

APPROVE

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Hall	Y Fauver	NV Martin	NV Norwood
Y Young	NV Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Sheperd	NV Borders

PROCEDURAL